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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman et al.

SC/Serial No.: 10/037,236

Confirm. No.: 6669

Filed: November 9, 2001

Title: INTER-SPINOUS PROCESS IMPLANT AND  
METHOD WITH DEFORMABLE SPACER

PATENT APPLICATION

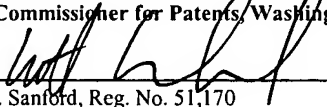
Art Unit: 3732

Examiner: Unassigned

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Box Missing Parts, Commissioner for Patents, Washington, DC 20231**, on March 18, 2002.

  
\_\_\_\_\_  
Scott D. Sanford, Reg. No. 51,170  
Signature Date: March 18, 2002

(Attorney Signature)

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated March 7, 2002, enclosed are the following documents in connection with the above-identified application:

- ☒ Copy of Notice to File Missing Parts -- Filing Date Granted
- ☒ Declaration for Patent Application
- ☒ Assignment and Assignment Recordation Form Cover Sheet
- ☒ Power of Attorney
- ☐ Information Disclosure Statement under 37 C.F.R. §1.56
- ☐ Preliminary Amendment

### Patent Application Filing Fee

The patent application filing fee (if applicable) is calculated as shown below:

No. Filed	No. Extra	Rate Small Entity/ Large Entity	
Basic		\$370.00	
Fee		\$740.00	= \$0.00
Total		\$ 9.00	
Claims <u>107</u>	- 107 = <u>0</u>	X \$ 18.00	= \$0.00
Independent		\$ 42.00	
Claims <u>12</u>	- 12 = <u>0</u>	X \$ 84.00	= \$0.00
First Presentation of		\$140.00	
Multiple Dependent Claim(s) <u>0</u>		\$280.00	= \$0.00
Total PATENT APPLICATION FILING FEE:			<u>\$0.00</u>

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

### Total Fee

The Total Fee associated with this communication has been calculated as shown below:


—	Patent application filing fee	\$0.00
—	Net fee for extension of time	\$0.00
✓	Assignment recording fee (\$40.00)	\$40.00
✓	Surcharge under 37 C.F.R. §1.16(e) for late filing of filing fee or Declaration:	
—	Large Entity \$130.00	\$0.00
✓	Small Entity \$ 65.00	\$65.00
TOTAL FEE DUE:		<u>\$105.00</u>

**Method of Payment of Fees**

- ☒ A check in the amount of the TOTAL FEE DUE is enclosed.
- ☒ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: March 18, 2002

By:   
Scott D. Sanford  
Reg. No. 51,170

FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800  
Facsimile: (415) 362-2928  
ssanford@fdml.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman et al.

SC/Serial No.: Unknown

Confirm. No.: Unknown

Filed: Herewith

Title: INTER-SPINOUS PROCESS IMPLANT AND  
METHOD WITH DEFORMABLE SPACER

PATENT APPLICATION

Art Unit:

Examiner:


Customer No. 23910

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL 622 694 495 US

Date of Mailing: November 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

  
\_\_\_\_\_  
Johann S. Mercado  
Signature Date: November 9, 2001 (Signature)

UTILITY PATENT APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R §1.53(b)

Box PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Sir:

Transmitted herewith for filing is the patent application identified as follows:

Inventor(s): James F. Zucherman, Ken Y. Hsu, Charles J. Winslow, Henry A. Klyce and John Flynn

Title: INTER-SPINOUS PROCESS IMPLANT AND METHOD WITH DEFORMABLE SPACER

No. of pages in Specification: 42; No. of Claims: 107.

No. of Sheets of Drawings: 8; Formal: ✓, Informal:    .

Also enclosed are:

\_\_\_\_\_ A Declaration.

\_\_\_\_\_ An Assignment and Recordation Form Cover Sheet.

\_\_\_\_\_ A certified copy of a priority application.

\_\_\_\_\_ A Power of Attorney.

\_\_\_\_\_ A Statement Claiming Small Entity Status.

\_\_\_\_\_ An Information Disclosure Statement under 37 C.F.R. §1.56.

The filing fee pursuant to 37 C.F.R. §1.16 is determined as follows:

No. Filed	No. Extra	Rate Small Entity/ Other Than Small Entity		
Basic Fee		\$370.00 \$740.00	=	\$370.00
Total Claims <u>107</u> - 20	= <u>87</u>	\$ 9.00 \$ 18.00	=	\$783.00
Independent Claims <u>12</u> - 3	= <u>9</u>	\$ 42.00 \$ 84.00	=	\$378.00
First Presentation of Multiple Dependent Claim(s) <u>0</u>		\$140.00 \$280.00	=	\$0.00
		Total	=	<u>\$1531.00</u>

\*If the difference is less than zero, enter "0".

\_\_\_\_\_ Please charge Deposit Account No. 06-1325 in the amount of \$\_\_\_\_\_. A duplicate copy of this authorization is enclosed.

✓ A check in the amount of \$1531.00 to cover the filing fee is enclosed.

✓ The Commissioner is hereby authorized to charge underpayment of any additional fees (including those listed below) or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

✓ Any additional filing fees under 37 C.F.R. §1.16.

✓ Any patent application processing fees under 37 C.F.R. §1.17.

This application is filed pursuant to 37 C.F.R. §1.53(b) in the name of the above-identified Inventor(s).


✓ This application claims priority to an earlier-filed Provisional patent application, as set forth more fully in this application.

Please direct all correspondence concerning the above-identified application to the following address:

Sheldon R. Meyer  
FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

Respectfully submitted,

Date: 11/9/01

By:   
Sheldon R. Meyer  
Reg. No. 27,660

FLIESLER DUBB MEYER & LOVEJOY LLP  
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/037,236	11/09/2001	James F. Zucherman	

CONFIRMATION NO. 6669

Sheldon R. Meyer  
FLIESLER DUBB MEYER & LOVEJOY LLP  
Fourth Floor  
Four Embarcadero Center  
San Francisco, CA 94111-4156

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FORMALITIES LETTER



\*OC000000007600576\*

MAR 12 2002

FLIESLER DUBB  
MEYER & LOVEJOY

Date Mailed: 03/07/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/28/2002 MAHMED1 00000084 10037236

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